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Appl. No. : 10/810,296
Applicant : Xing Fa Wang
Filed : March 27, 2004
Examiner : Jason M. Sims
TC/A.U. : 1631

Docket No. : XLH8FW

November 28, 2007

Examiner Jason M. Sims
Art Unit 1631, TC 1600
Commissioner for Patents,
P.O. Box 1450,
Alexandria VA 22313-1450

Dear Mr. Jason M. Sims,

Thanks for the enclosed communications of 20 February, 23 July and August 20, 2007, respectively.

In response to the communication of August 20, 2007, the applicant has submitted the amendments to the claims 2-16 of the above-identified application to you by the facsimile transmission (571)-273-8300 on August 31, 2007, wherein the claims 2-10 can not be depended from each other because the nine atherosclerotic parameters are independent from each other; however, all texts of the claims 3-10 may be integrated into the amended claim 2 because these claims reference only from the step of determining atherosclerotic parameters-caused disease risks in the claim 1, and the claims 3-10 are then canceled so as to result in the claim 11 depends only from the amended claim 2, the claims 12-13 and 16 depend only from the claim 11, the claims 14-15 depend only from the amended claim 2, and unchanging claims 17-18 depend only from the claim 1 according to the communication regarding the amendments to the claims 2-16. Each of all dependent claims 2, 11-18 of the application depends only from one other claim after the amendments.

In response to the office actions of 23 July and 20 February, 2007, the applicant

has submitted the amendments to the claims 2-18 of the above-identified application to you by the facsimile transmission (571)-273-8300 on August 21, 2007, wherein the amendments to the claims 2-16 is same as the above-mentioned amendments to the claims 2-16, the text of the claim 17 is integrated into the new claim 19 and the claim 17 is then cancelled, and the claim 18 is amended according to the office action regarding the amendments to the claims 2-18. Each of all dependent claims 2, 11-16 and 18-19 of the application depends only from one other claim after the amendments.

Please consider to allow one of the above-mentioned two amendment versions, the version dated August 21, 2007 for the amendments to claim 2-18 or the version dated August 31, 2007 for the amendments to claim 2-16.

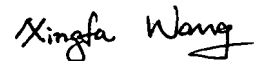
The examiner has acknowledged that this application is in condition for allowance except for the formal matters: claim 11-18 in improper multiple dependency form.

Each of all dependent claims in the currently presented claim of the application depends only from one other claim. Applicant states that the material being inserted is the material previously incorporated by reference and that the amendments contain no new matter.

Thank you for your consideration.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,



Xing F. Wang, Ph.D.
Applicant
Tel: (774)-239-3884
Fax: (508)-831-0592

Encl.: 3 communications (6 sheets)



Office Action Summary

Application No.

10/810,296

Applicant(s)

WANG, XING FA

Examiner

Jason M. Sims

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 11-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's After Final Amendment filed 11/27/2006 is acknowledged and has been entered.

Claims 1-18 are the current claims hereby under examination.

This application is in condition for allowance except for the following formal matters:

Claim Objections

Claims 11-18 are objected to under 37 CFR 1.75(c) as being in improper form because of improper multiple dependent claims. Each of claims 11-18 are in improper multiple dependent form. A claim can only reference one other claim or depend only from one other claim and claims referencing more than one claim or depending from more than claim are considered to be in improper multiple dependent form. For example, claim 11 references or depends from claim 1 and claims 2-10, which makes claim 11 an improper multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Allowable Subject Matter

Claims 1-10 are allowed.

Response to Arguments

Applicant's arguments and amendment, filed 11/27/2006, with respect to the rejection under 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of claims 1-18 under 35 U.S.C 101 has been withdrawn.

Art Unit: 1631

Conclusion

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Irem Yucel can be reached via telephone (571)-272-0781.

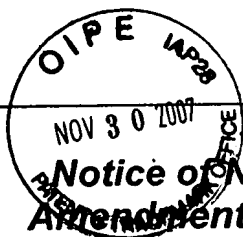
Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims //

John S. Brusca 20 February 2007

JOHN S. BRUSCA, Ph.D.
PRIMARY EXAMINER



Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)	
	10/810,296	WANG, XING FA	
	Examiner	Art Unit	
	Jason M. Sims	1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 29 May 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

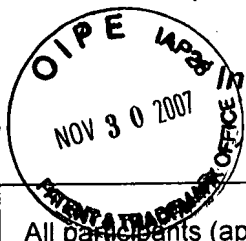
- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: Applicant's amendment filed 5/29/2007 in response to a Quayle Action mailed 2/27/2007 has introduced new issues. Although applicant has attempted to overcome the claim objections as stated in the Quayle Action by eliminating any improper dependencies, applicant's amendment has introduced new 112 second paragraph issues along with referencing equations from multiple claims thereby maintaining an improper multiple dependency. If applicant chooses to file an RCE, applicant is encouraged to arrange a phone interview prior to such filing to discuss the new outstanding issues present in the case.

Lois A. Claus
Primary Examiner
7/23/07



Interview Summary

Application No.	Applicant(s)	
10/810,296	WANG, XING FA	
Examiner	Art Unit	
Jason M. Sims	1631	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jason M. Sims. (3) _____

(2) Xing Fa Wang. (4) _____

Date of Interview: 15 August 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 1-18.

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Possible amendments to the claims, i.e. changing the dependencies of claims 3-10 to depend from each other, such as making claim 3 depend from claim 2, claim 4 depend from claim 3, etc. and then changing the claim dependencies of claims 12-16 to depend from claim 10 was discussed to overcome the new antecedent basis and multiple dependency problems to get the instant application in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

LORI A. CLOW, PH.D.
PRIMARY EXAMINER

Lori A. Clow
8/20/07

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

[Signature]
Examiner's signature, if required